

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q89079

Neil MCGREGOR

Appln. No.: 10/541,794

Group Art Unit: 1617

Confirmation No.: 4232

Examiner: Kathrien Ann CRUZ

Filed: March 2, 2006

For: METHOD OF TREATMENT OR PROPHYLAXIS OF SYMPTOMS OF HERPES  
VIRAL INFECTION

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction and Election of Species Requirements set forth in the Office Action dated August 4, 2009, and is timely filed on October 5, 2009 with a one month extension of time, as October 4, 2009 fell on the previous Sunday.

In response to the Restriction Requirement, Applicant elects Group I, claims 1-11, drawn to a method of treating herpes, classified in class 514, subclass 574. for examination. This election is made without traverse.

In response to the Election of Species Requirement, Applicant notes initially that the Examiner requires on page 4 of the Office Action expressly one composition (apparently based on the recitation in claim 1 of a composition comprising a citrate salt and/or a succinate salt) and

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

U.S. Application No.: 10/541,794

Attorney Docket No.: Q89079

expressly one amino acid (apparently from the recitation in claim 3 of a Markush group of amino acid). In view of the Examiner's requirement, Applicant elects a composition comprising sodium citrate as the composition, and Applicant elects aspartic acid as the amino acid. Applicant submits that claims 1-11 are readable on the elected species.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicant reserves the right to file a Divisional Application directed to non-elected claims 12-44.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bruce E. Kramer  
Registration No. 33,725

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: October 5, 2009